

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ZHANG LIN, an individual,

Plaintiff,

Case No.: 16
Hon.

v.

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,
CUSTOMS AND BORDER PROTECTION

Defendant.

LAW OFFICE OF JOHN LITTLE, PLLC

By: John W. Little (P63544)

Attorney for Plaintiff

333 W. 7th Street, Suite 360

Royal Oak, Michigan 48067

(248) 865-3455

(248) 856-1777 (fax)

info@jlittlelaw.com

COMPLAINT

Plaintiff, ZHANG LIN, by and through his attorneys, LAW OFFICE Of JOHN LITTLE, PLLC, alleges as follows:

I. INTRODUCTORY STATEMENT

1. This is an action to recover Fifteen Thousand (\$15,000.00) U.S. Dollars seized by the United States Customs Border Protection ("CBP") on February 2, 2016 from Plaintiff or alternatively, cause the CBP to refer this matter to the U.S. Attorney for forfeiture proceedings that may be fully and fairly litigated.

II. JURISDICTION

2. This Court has jurisdiction under 18 U.S.C. § 983.

3. Venue is proper in the United States District Court for the Eastern District of Michigan as the acts complained of giving rise to this action, occurred in Romulus, Michigan.

III. PARTIES

4. Plaintiff, Zhang Lin, is a resident of Clemmons, North Carolina.

5. Defendant CBP is a department and administrative agency of the UNITED STATES OF AMERICA that is charged with oversight of the nation's borders.

COUNT I – VIOLATION OF CAFRA

6. On February 2, 2016, Plaintiff, Zhang Lin, was traveling through Detroit Metropolitan Airport on his way to the Republic of China to visit family.

7. While departing the United States, it is alleged by the CBP that Plaintiff failed to report transporting currency in excess of \$10,000.00 as required under 31 U.S.C. § 5316(a)(1)(A).

8. On February 2, 2016, CBP did seize from Plaintiff \$15,000.00 at Detroit Metropolitan Airport in Romulus, Michigan.

9. On February 16, 2015, CBP sent Plaintiff, while he was in China, a Notice of Seizure and Information for Claimants (the "Notice") under the Civil Asset Forfeiture Reform Act (CAFRA).

10. On February 20, 2016, CBP attempted to deliver the Notice to Plaintiff Zhing Lin's residence via certified mail.

11. At the time CBP sent the Notice, Plaintiff Zhing Lin was out of the Country

visiting his family in China and the Notice was not delivered.

12. At some time while Plaintiff was in China, the Notice was delivered.

13. On March 16, 2016, Plaintiff Zhing Lin arrived back in the United States.

14. On or about April 5, 2016, Plaintiff Zhing Lin, through his counsel, filed a Seized Asset Claim with CBP pursuant to 18 U.S.C. § 983(a)(2), asserting his ownership of the \$15,000.00 and seeking its return. See Exhibit 1, Claim.

15. That the CBP denied Plaintiff's claim as untimely. See Exhibit 2, CBP's Denial Letter.

16. That the CBP's denial was improper as Plaintiff was denied proper notice under CAFRA.

17. That the CBP denial was unlawful as it denied Plaintiff his due process.

18. That the CBP's denial was unlawful as Plaintiff's claim was timely under CAFRA as it was filed not later than 30 days after the final publication of the notice of seizure, being April 30, 2016. See Exhibit 3, Publication.

19. That the CBP actions are in violation CAFRA and the Fourteenth Amendment of the U.S. Constitution.

20. That as the result of Defendant CBP's unlawful withholding of Plaintiff Zhang Lin's \$15,000.00, Plaintiff has suffered a legal wrong, and has been adversely affected and aggrieved.

21. By reason of the foregoing, Defendant CBP should be compelled to return of the \$15,000.00 to Plaintiff.

22. Alternatively, Defendant CBP should be compelled to turn this matter over to the U.S. Attorney for a forfeiture action that can be fully and fairly litigated.

WHEREFORE, Plaintiff, Zhing Lin, respectfully requests that a judgment be granted as follows:

- a. Declaring that Defendant CBP has violated CAFRA in seizing and confiscating Plaintiff's Fifteen Thousand (\$15,000.00) U.S. Dollars;
- b. Compelling Defendant CBP to return to Plaintiff his \$15,000.00;
- c. Or, alternatively, compelling Defendant CBP to refer this matter to the U.S. Attorney for a civil forfeiture action.
- d. Any other such relief as this Court may deem just and proper.

Respectfully Submitted,
LAW OFFICE OF JOHN LITTLE, PLLC

By: /s/ John W. Little
John W. Little (P63544)
Attorney for Plaintiff
333 West 7th Street, Suite 360
Royal Oak, Michigan 48067
P- 248.865.3455
F- 248.856.1777
E- info@jlittlelaw.com

Dated: April 28, 2016

Exhibit 1

LAW OFFICE OF JOHN LITTLE, PLLC
ATTORNEY AND COUNSELOR AT LAW

333 West 7th Street, Suite 360
Royal Oak, Michigan 48067
Phone (248) 865-3455
Fax (248) 856-1777
E-mail: info@jlittlelaw.com

April 5, 2016

Via fax @ (313) 226-2371
And U.S. Mail

U.S. CBP
Attn: FPFO
477 Michigan Avenue, RM 200
Detroit, Michigan 48226

Re: **Our Client:** **Zhang Lin**
Case Number: **2016-3807-000465-01**

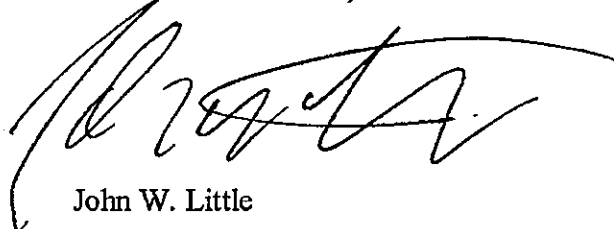
Attn. FPFO:

Please be advised that the Law Office of John Little, PLLC represents Zhang Lin in the above referenced forfeiture action. Enclosed herewith is my client's claim of ownership under 18 U.S.C § 983(a)(2)(A) & (B).

Based on my conversation with CBP, you allege that my client received notice of the forfeiture on or about February 26, 2016. This allegation is false. My client was not in the United States on this date. My Client left the United States on the date of seizure in this matter and returned on March 16, 2016. Enclosed is a copy of my client's boarding pass evidencing his return on March 16, 2016.

Sincerely,

LAW OFFICE OF JOHN LITTLE, PLLC



John W. Little

Enclosure

In re: Case Number: 2016-3807-000465-01

CLAIM OF OWNERSHIP INTEREST BY ZHONG LIN

NOW COMES Claimant Zhang Lin, by and through his Attorney, Law Office of John Little, PLLC, and more specifically, John W. Little, Attorney, and for his Claim of Ownership Interest, states as follows:

1. I, Zhang Lin, am the sole and rightful owner of the \$15,000.00 in U.S. currency, which was seized from me on February 2, 2016 at the port of Detroit, Michigan as more fully described in the attached Notice of Seizure and Intent to Forfeit.

2. I did not personally receive the personal notice letter because it was mailed and delivered while I was traveling outside of the United States. As evidence, I have attached a copy of my return boarding pass dated March 16, 2016.

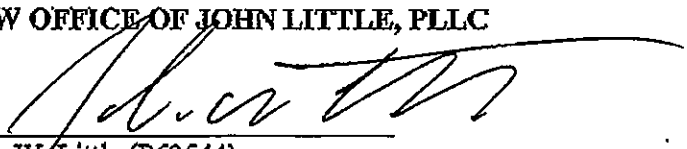
This Claim is made under oath and subject to the penalties of perjury.

Dated: April 5, 2016


Zhang Lin

Respectfully Submitted,

LAW OFFICE OF JOHN LITTLE, PLLC


John W. Little (P63544)
Attorney for Claimant
333 West 7th Street, Suite 360
Royal Oak, Michigan 48067
(248) 865-3455
info@jlittlelaw.com

CBP OFFICIAL NOTIFICATION POSTED ON APRIL 05, 2016

LEGAL NOTICE

**NOTICE OF SEIZURE AND INTENT TO FORFEIT
(CAFRA)**

U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION - Notice is hereby given as required by 19 U.S.C. § 1607 and 19 C.F.R. 162.45 of the seizure and intent to forfeit and sell, or otherwise dispose of according to law, the property described below which is determined to be used in or related to a violation of United States law. Under the provisions of 18 U.S.C. § 983(a)(2), any person who claims to have an ownership or possessory interest in this property, and desires to claim this property must file a claim with U.S. Customs and Border Protection, Attention: Fines, Penalties and Forfeitures Officer, U.S. CBP / ATTN:FPFO, 477 MICHIGAN AVE, RM 200, DETROIT, MI 48226. If a personal notice letter is not received, the claim must be filed within 30 days from the date of final publication of this notice. A filed claim shall identify the specific property being claimed, state the claimant's interest in such property and be made under oath, subject to penalty of perjury. Unless such a claim is received by the above office by close of business on **May 31, 2016**, the property will be declared forfeit to the United States and disposed of in accordance with the law.

PUBLICATION/POSTING START: April 01, 2016
PUBLICATION/POSTING END: April 30, 2016
DEADLINE TO FILE A CLAIM: May 31, 2016

DETROIT, MI

2016380700046501-001-0000, Seized on 02/02/2016; At the port of DETROIT, MI; US CURRENCY RETAINED; 150; EA; Valued at \$15,000.00; For violation of 31USC5317,31USC5316,31CFR1010.340(A)

This advertisement is for public notice of forfeiture, and this property is not currently for sale.

Exhibit 2

477 Michigan Avenue, Suite 200
Detroit, MI 48226



**U.S. Customs and
Border Protection**

April 12, 2016

Law Office of John Little, PLLC.
333 West 7th Street Ste. 360
Royal Oak, MI 48067

Re: CBP case number 2016-3807-000465-01

Dear Mr. Little:

We are in receipt of the claim of \$15,000.00 which was seized from your client, Zhang Lin, on February 2, 2016 by U.S. Customs and Border Protection (CBP) officers at Detroit metropolitan Airport in Romulus, Michigan.

On February 16, 2015, this office sent your client a Notice of Seizure and Information for Claimants CAFRA Form which notified him that he had thirty (30) days from the date of the Notice (until March 17, 2016) in which you he may file a petition for relief from forfeiture or until March 25, 2016 to file a claim for referral of the matter to the Office of the United States Attorney for judicial forfeiture proceedings. The Notice was attempted to be delivered to your client's residence on February 20, 2016 via certified mail and was later picked up at your client's local post office on February 26, 2016.

On the date of the seizure of the subject currency, your client was provided with our office's contact information. We have no evidence on record that your client attempted to contact our office and provide us with any alternative ways to contact him (e.g. email address or physical address other than his residence). Although your client was out of the country at the time the notice was sent to and signed for at his local post office, your client was afforded ample time and opportunity to contest the seizure of the funds and failed to make any effort to contact this office to provide an alternative method of receiving communications from CBP about the seizure of currency. Additionally, your client made the choice to leave the United States for an extended period of time with the knowledge that his currency had been seized and further action on his part may be needed in the United States.

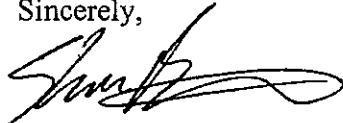
On March 16, 2016 your client, Zhang Lin arrived back in the United States. Even though your client was back in the United States he still failed to reach out to our office. Your client had until March 25, 2016 to contact this office to file a claim and have this matter referred to the United States Attorney's Office for judicial forfeiture proceedings.

We regret to inform you that your client's claim will not be considered as it was not received timely and any future submissions from your client or from anyone on his behalf will not be considered.

U.S. Customs and Border Protection has initiated administrative forfeiture proceedings as referenced in the notice of seizure.

If you have any questions you may contact Paralegal Specialist Melissa Selix at (313) 442-0227.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wanda Vela', with a large, stylized flourish extending to the right.Handwritten initials 'for' in black ink, positioned to the left of the typed name.

Wanda Vela
Fines, Penalties & Forfeitures Officer

Exhibit 3

CBP OFFICIAL NOTIFICATION POSTED ON APRIL 05, 2016

LEGAL NOTICE

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(CAFRA)**

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